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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,570	12/04/2001	Miguel Horacio Krolovetzky	HO-P02344US0	5102
26271	7590	02/16/2005	EXAMINER	
FULBRIGHT & JAWORSKI, LLP 1301 MCKINNEY SUITE 5100 HOUSTON, TX 77010-3095			TRAN, NGHI V	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,570

Applicant(s)KROLOVETZKY, MIGUEL
HORACIO**Examiner**

Nghi V Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 1 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent cannot depend from any other multiple dependent claim (i.e. claim 3). See MPEP § 608.01(n). Accordingly, the claim 4 has not been further treated on the merits.

2. Claim 1 is objected to because of the following informalities:

“such video sequence” (emphasis added), line 9, is understood for --the video sequence--.

“such video fractions” (emphasis added), line 10, is understood for --a plurality of video fractions --.

“those files” (emphasis added), lines 13 and 15, is understood for --those external files--.

“the combination” (emphasis added), lines 18-19, is understood for --the combination of filters--.

“audio/video” (emphasis added), line 6, is understood for --audio or video--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

5. With respect to claim 1, the applicant discloses the step of streaming image and audio on a computer network in real time including "exportation of such video fractions to at least one external file" and "compilation of those external files from an image management and treatment program" (emphasis added). The functional limitations of the "... at least one external file" and "... those external files ..." have not enable because "... at least one external file" indicates one or more external files and "... those external files ..." indicates two or more external files.

6. Claims 2-4 are rejected under 35 U.S.C. 112, first paragraph, because they directly or indirectly depend on claim 1.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. With respect to claim 1, the functional limitation of the phrase "a higher data transference speed" renders the claim indefinite because "higher" indicates a comparison to the base limitation. What is the base of data transference speed?

10. With respect to claim 1, the functional limitation of the phrase "... higher quality resolutions" renders the claim indefinite because "higher" indicates a comparison to the base limitation. What is the base of quality resolutions?

11. With respect to claim 1, the functional limitation of the phrase "... its control resolutions" renders the claim indefinite because the Examiner does not understand the limitation "its" refers to what limitation in the claim.

12. With respect to claim 1, there is insufficient antecedent basis for this limitation in the claim 1 as following:

The limitation "the transmission" (emphasis added) in line 3, page 8 of 15.

The limitation "the exposure" (emphasis added) in line 4, page 8 of 15.

The limitation "the aim" (emphasis added) in line 5, page 8 of 15.

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13. With respect to claim 2, there is insufficient antecedent basis for this limitation in the claim 2 as following:

The limitation "a server" (emphasis added) in lines 21-22, page 8 of 15.

14. Claims 2-4 are also rejected under 35 U.S.C. 112, second paragraph, because they directly or indirectly depend on claim 1.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Purnaveja et al., U.S. Patent Number 6,230,172 (hereinafter Purnaveja).

17. With respect to claim 1, Purnaveja teaches a method for the transmission and visualization of images and audio streaming on a computers network in real time and a higher data transference speed for the exposure of such images with the aim of

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generating publicity, products sales, virtual communities or groups, audio/video streaming, etc. (figures 2-3), said method comprising the following steps:

- edition of a video sequence with higher quality resolutions (see abstract);
- fraction the video sequence into a smaller or equal size video sequence (figure 5);
- exportation of a plurality of video fractions to at least one external file (312 or 314);
- compilation of those external files from an image management (317) and treatment program (319);
- submission of those external files to a processing cycle using at least one video component compressor (318);
- application of a combination of filters to those external files in order to set parameters for colors and sounds in an homogeneous sequence (column 6 line 7 through column 7, line 22);
- addition of at least one video component compression (column 6, lines 23-31; and step 420);
- exportation of the combination of filters by the use of a filter (column 5, lines 39-49);
- complementation of the combination of filters with instructions for its control and execution in a server (215).

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18. With respect to claim 2, Purnaveja further teaches characterized by using the primary connection to the server (210, 220 or 230) for the interaction between a user (219) and the server (210, 220 or 230).

19. With respect to claim 3, Purnaveja further teaches characterized by using a principal server (210, 220, or 230) for the audio and video applications streaming (column 5, lines 19-38).

20. With respect to claim 4, Purnaveja further teaches characterized by the real time feature in the data transference between a user and the server (figure 3 and see abstract).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "HDTV editing and effects revisualization using SDTV device," by Frink et al., U.S. Patent Number 6,226,038.

b. "Real-time receipt, decompression and play of compressed streaming video/hypervideo; with thumbnail display of past scenes and with replay, hyperlinking and/or recording permissively initiated retrospectively," by Rangan et al., U.S. Patent Number 6,154,771.

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c. "System method and apparatus for a motion compensation instruction generator," by Owen et al., U.S. Patent Number 2002/0114395.

d. "Digital video processing," by Gould et al., U.S. Patent Number 2003/0085899.

e. "Method and apparatus for detecting the source format of video images," by Adams et al., U.S. Patent Number 2003/0098924.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

Nghi V Tran
Patent Examiner
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